Law (General) (1924) Department

SERIES.

G.O. No. 2001

DATED 10 7. 1924

[Despatch Abstract.]

Motor Vehicles Act - Licence - cancellation - Hassan Saiba

Petition for reconsideration - rejected.

To

CR 28/6/24

10 JUN 1924

CURRENT NO. 3724 LAW GENERAL C

R 20/96

His Excellency The Governor-in-Council,

Fort Saint George,

MADRAS.

Through

S. CANARA COLLR. OFFICE

No 6343 C 24

24 JUN 1924

The District Magistrate of South Kanara,

MANGALORE.

Humble memorial of Hassan Saiba, Motor Driver, The Popular Motor Service, Mangalore, South Kanara Dt.

RESPECTFULLY SHEWETH:—

That your Excellency's humble petitioner was earning his livelihood as a motor driver in the service of the Popular Motor Service that runs its buses between Mangalore and Beltangady *via* Bantwal.

2. That on the evening of 25—3—1924, while he was driving his bus to Beltangady from Mangalore, the hind wheel of the bus ran over the legs of a young Muhammedan girl, aged 9 years, at a place about a mile away from the Bantwal Police Station, and the Local Fund Hospital of the place. The girl herself was on the left side of the road, carrying a bundle of dry sticks on her head, and the accident happened in spite of the fact that the bus was being taken at a moderate speed, and the horn was being blown to warn her off the path. The front wheels of the bus had passed the girl a few feet away from her and the accident was brought to petitioner's notice by the passengers who were seated in the rear part.

3. That the bus was immediately stopped, and the driver (Your Excellency's petitioner), along with two of the passengers in the bus, (Ganapathi Kampti and Peter Sequeira), ran up to the place where the girl lay injured and tried to pacify the girl's father and her other relations who were near her and offered to take her to the hospital. But the girl's father, who was naturally in a very excited condition, began to abuse and threaten the driver and commenced to search for something. Your Excellency's petitioner and the two passengers that had gone to the spot with him were afraid that the father was searching for a bill-hook or some other deadly weapon to assault the driver. The two passengers then advised the driver not to remain there, but to take the bus away from the scene and to lay information at the Police Station which was only a mile from the place, and to send help to take the girl to the hospital immediately.

To

His Excellency The Governor-in-Council,

Fort Saint George,

MADRAS

Through

The District Magistrate of South Kanara,

MANGALORE.

S. CANARA COLLR OFFICE
No 6343 c 24
24 JUN 1924

Humble memorial of Hassan Saiba, Motor Driver, The Popular Motor Service, Mangalore, South Kanara Dt.

RESPECTFULLY SHEWETH:—

That your Excellency's humble petitioner was earning his livelihood as a motor driver-in-the-service of the Popular Motor Service that runs its buses between Mangalore and Beltangady *via* Bantwal.

2. That on the evening of 25—3—1924, while he was driving his bus to Beltangady from Mangalore, the hind wheel of the bus ran over the legs of a young Muhammedan girl, aged 9 years, at a place about a mile away from the Bantwal Police Station, and the Local Fund Hospital of the place. The girl herself was on the left side of the road, carrying a bundle of dry sticks on her head, and the accident happened in spite of the fact that the bus was being taken at a moderate speed, and the horn was being blown to warn her off the path. The front wheels of the bus had passed the girl a few feet away from her and the accident was brought to petitioner's notice by the passengers who were seated in the rear part.

3. That the bus was immediately stopped, and the driver (Your Excellency's petitioner), along with two of the passengers in the bus, (Ganapathi Kampti and Peter Sequeira), ran up to the place where the girl lay injured and tried to pacify the girl's father and her other relations who were near her and offered to take her to the hospital. But the girl's father, who was naturally in a very excited condition, began to abuse and threaten the driver and commenced to search for something. Your Excellency's petitioner and the two passengers that had gone to the spot with him were afraid that the father was searching for a bill-hook or some other deadly weapon to assault the driver. The two passengers then advised the driver not to remain there, but to take the bus away from the scene and to lay information at the Police Station which was only a mile from the place, and to send help to take the girl to the hospital immediately.

Considering the excited and exasperated condition of the girl's father, Your Excellency's petitioner, who was himself very much shocked at the unfortunate accident, followed this advice and took his bus to the Police Station and laid information there. By this time, however, another bus, which was coming by the same route, brought the girl to the hospital.

4. That the Police, after a full enquiry into the matter, were satisfied that no blame could be attached to the driver and referred the matter as a pure accident and dropped all proceedings.

5. That Your Excellency's petitioner, now learns that the Superintendent of Police, and the District Magistrate, wishing to make an example of this to all motor drivers, recommended the cancellation of the licence of Your Excellency's petitioner permanently and Your Excellency's Government by G. O. No. 1635 Miscellaneous Law (General Department), dated 26th May 1924, cancelled his licence and permanently disqualified him from obtaining a licence under the Motor Vehicles Act.

(B)

6. That, as a matter of common justice and mercy, Your Excellency's petitioner humbly approaches Your Excellency with this memorial, under the hope and belief that the circumstances of the case may be fully considered, before he is permanently deprived of his means of livelihood. The Police have found that the accident to the girl was not due to any rashness or negligence on the part of the petitioner. Soon after the accident the bus was stopped and he offered to take the girl to the hospital. He was prevented from doing so only on account of the hostile attitude of the girl's father. This will be proved beyond doubt if Your Excellency's Government will kindly call for the statements of witnesses (Annappa Kamthi, Ganapathi Kamthi and Peter Sequeira) recorded by the Police during their investigation.

7. That, though it is right that any inhuman conduct on the part of a motor driver should be given an exemplary punishment, it is neither just nor fair that an innocent man should be made to suffer. Your Excellency's humble petitioner firmly believes that if only the full facts had been brought to Your Excellency's notice, the petitioner would not have been permanently deprived of his means of livelihood.

8. That Your Excellency's petitioner has ever been a cautious driver and this is the first accident ever since he obtained a driving licence. The petitioner, therefore, humbly prays that Your Excellency may be graciously pleased to call for the statements of witnesses referred to above in para 6, and, as a matter of mercy, to reconsider the question of petitioner's punishment and grant him back his means of livelihood.

For which act of kindness, justice, and mercy, Your Excellency's petitioner will ever pray.

Hosmen Saile.
23. 6. 24

No. Ans 6343—C-924

Forwarded.

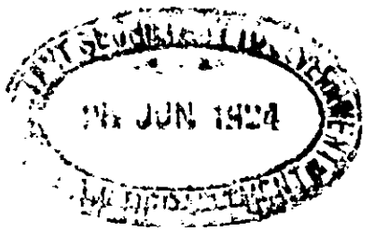
PPL-2 file No. 1635 (B) 2
20/5/24

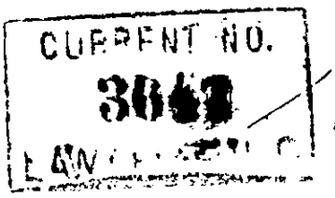
In my Rpt no. 4734-C-24 dated 25.4.24, I have given particulars of the case. Petitioner completely omits the fact that he gave a very misleading account of the accident at Buntwal. His apprehension of unfair at the hands of the girl's father is no excuse. The two following had no such troubles and are not disposed to accept petitioner's version of the facts.

I cannot recommend any modification of the orders of Government

A. Austen
26.6.24
District Magistrate.

To the Secretary to the
Government of Madras
Law (General) Department
Ootacamund





To

His Excellency The Governor-in-Council,

Fort Saint George,

MADRAS.

Through

The District Magistrate of South Kanara,

MANGALORE.

Humble memorial of Hassan Saiba, Motor Driver, The Popular Motor Service, Mangalore, South Kanara Dt.

RESPECTFULLY SHEWETH:—

That your Excellency's humble petitioner was earning his livelihood as a motor driver in the service of the Popular Motor Service that runs its buses between Mangalore and Beltangady *via* Bantwal.

2. That on the evening of 25—3—1924, while he was driving his bus to Beltangady from Mangalore, the hind wheel of the bus ran over the legs of a young Muhammedan girl, aged 9 years, at a place about a mile away from the Bantwal Police Station, and the Local Fund Hospital of the place. The girl herself was on the left side of the road, carrying a bundle of dry sticks on her head, and the accident happened in spite of the fact that the bus was being taken at a moderate speed, and the horn was being blown to warn her off the path. The front wheels of the bus had passed the girl a few feet away from her and the accident was brought to petitioner's notice by the passengers who were seated in the rear part.

3. That the bus was immediately stopped, and the driver (Your Excellency's petitioner), along with two of the passengers in the bus, (Ganapathi Kampti and Peter Sequeira), ran up to the place where the girl lay injured and tried to pacify the girl's father and her other relations who were near her and offered to take her to the hospital. But the girl's father, who was naturally in a very excited condition, began to abuse and threaten the driver and commenced to search for something. Your Excellency's petitioner and the two passengers that had gone to the spot with him were afraid that the father was searching for a bill-hook or some other deadly weapon to assault the driver. The two passengers then advised the driver not to remain there, but to take the bus away from the scene and to lay information at the Police Station which was only a mile from the place, and to send help to take the girl to the hospital immediately.

Considering the excited and exasperated condition of the girl's father, Your Excellency's petitioner, who was himself very much shocked at the unfortunate accident, followed this advice and took his bus to the Police Station and laid information there. By this time, however, another bus, which was coming by the same route, brought the girl to the hospital.

4. That the Police, after a full enquiry into the matter, were satisfied that no blame could be attached to the driver and referred the matter as a pure accident and dropped all proceedings.

5. That Your Excellency's petitioner, now learns that the Superintendent of Police, and the District Magistrate, wishing to make an example of this to all motor drivers, recommended the cancellation of the licence of Your Excellency's petitioner permanently and Your Excellency's Government by G. O. No. 1635 Miscellaneous Law (General Department), dated 26th May 1924, cancelled his licence and permanently disqualified him from obtaining a licence under the Motor Vehicles Act.

6. That, as a matter of common justice and mercy, Your Excellency's petitioner humbly approaches Your Excellency with this memorial, under the hope and belief that the circumstances of the case may be fully considered, before he is permanently deprived of his means of livelihood. The Police have found that the accident to the girl was not due to any rashness or negligence on the part of the petitioner. Soon after the accident the bus was stopped and he offered to take the girl to the hospital. He was prevented from doing so only on account of the hostile attitude of the girl's father. This will be proved beyond doubt if Your Excellency's Government will kindly call for the statements of witnesses (Annappa Kamthi, Ganapathi Kamthi and Peter Sequeira) recorded by the Police during their investigation.

7. That, though it is right that any inhuman conduct on the part of a motor driver should be given an exemplary punishment, it is neither just nor fair that an innocent man should be made to suffer. Your Excellency's humble petitioner firmly believes that if only the full facts had been brought to Your Excellency's notice, the petitioner would not have been permanently deprived of his means of livelihood.

8. That Your Excellency's petitioner has ever been a cautious driver and this is the first accident ever since he obtained a driving licence. The petitioner, therefore, humbly prays that Your Excellency may be graciously pleased to call for the statements of witnesses referred to above in para 6, and, as a matter of mercy, to reconsider the question of petitioner's punishment and grant him back his means of livelihood.

For which act of kindness, justice, and mercy, Your Excellency's petitioner will ever pray.

Hassan Saiba

23. 6. 1924

Another Copy Submitted through the District Magistrate, South Kanara

Scott. II-10 (a)—16,002—6-2-23. (6)

	Date	Initials
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

Law (Gl) DEPARTMENT.

Motor Vehicles Act - Licence - Cancellation - Hassan Saiba - petition for reconsideration rejected

(B)

READ AGAIN G.O. No. 1635 L. dated 20 5 1924

" " " " " " 192 .

READ ALSO:- pp1-2 cf

C. No. 3724 C From the Hassan saiba ; No. , dated 23. 6 - 1924.

" " "End of the Asst. S. Kanara" No. 6343 - C - 1924) 26/6/1924.

" " " " " " 192 .

ORDER.

No. 2001 , dated 10. 7. 1924

This

Incident - See

p3 cf.

(B)

10 JUL 1924

The Government See no reason to reconsider the orders already passed in G.O.No. 1635 Law (General) dated 20 - 5 - 1924

S

Cfm 7.7.24

Law 4/7/24

BSR 4.7.24

V.TK 4.7

To the petitioner thro' the A.C. South Kanara (2+0)

Please see the Asst's endt on p.3 cf.

Cfm 7.7.24

Law 4/7/24

BSR 4/7

V.TK 9.7